

Attorney Docket No.: 016770-004100US
Client Ref. No.:

PTO/SB/01A (10-00)

Approved for use through 10/31/2002. OMB 0651-0032
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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 09/848,104, filed on May 2, 2001,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one Craig M. Litherland Date: 12/10/01
Signature: Craig Litherland Citizen of: U.S.

Inventor two Joseph Loeffler Date: 12/10/01
Signature: Joseph Loeffler Citizen of: U.S.

Inventor three Joe Maxwell Date: 12/10/01
Signature: Joe Maxwell Citizen of: U.S.

Inventor four _____ Date: _____
Signature: _____ Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Please type a plus sign (+) inside this box → +

PTO/SB/81 (02-01)
Approved for use through 10/31/2002. OMB 0851-0035
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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	09/848,104
	Filing Date	May 2, 2001
	First Named Inventor	Craig M. Litherland
	Title	BASE ISOLATED NEBULIZING DEVICE AND METHODS
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	016770-004100US

I hereby appoint

☒ Practitioners at Customer Number

20350

Place Customer
Number Bar Code
Label here

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.
OR

☐ Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name

Yehuda Turi

Signature

[Signature]

Date

Dec 3, 2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patent, Washington, DC 20231. DE 7048124 v1

PTO/SB/96 (08-00)

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STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Craig M. Litherland et al.Application No./Patent No.: 09/848,104Filed/Issue Date: May 2, 2001Entitled: BASE ISOLATED NEBULIZING DEVICE AND METHODSAerogen Inc.a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.6

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Dec. 3 2001

Date

Eyal Li

Signature

Yehuda Iyri

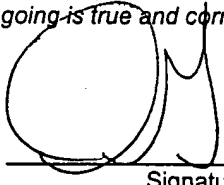
Typed or printed name

Chief Technical Officer

Title

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DE 7048125 Y1

Form PTO-1595 (Rev. 03-01) OMB No. 0651-0027 (exp. 5/31/2002) Tab settings ⇌ ⇌ ⇌ ▼	Recordation Form Cover Sheet PATENTS ONLY	U.S. Department of Commerce U.S. Patent and Trademark Office
To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof		
1. Name of conveying party(ies): Craig M. Litherland Joseph P. Loeffler Joe Maxwell Additional name(s) of conveying parties attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Name and address of receiving party(ies) Name: <u>Aerogen, Inc.</u> Internal Address: _____ _____ Street Address: <u>1310 Orleans Drive</u> _____ City: <u>Sunnyvale</u> State: <u>California</u> ZIP: <u>94089</u> Additional names and addresses attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other: _____	4. Application number(s) or patent number(s). If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No(s): <u>09/848,104</u> B. Patent No(s): _____ Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>Darin J. Gibby</u> <u>TOWNSEND AND TOWNSEND AND CREW LLP</u> <u>Two Embarcadero Center, 8th Floor</u> <u>San Francisco, California 94111-3834</u> <u>(415) 576-0200</u>	6. Total number of applications and patents involved <u>1</u> 7. Total fee (37 CFR 3.41): _____ \$ <u>40</u> <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account number: <u>20-1430</u> (Attach duplicate copy of this page if paying by deposit account)	
DO NOT USE THIS SPACE		
9. Statement and signature. <i>To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true of copy of the original document.</i> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 30%;"> <u>Darin J. Gibby</u> Name of Person Signing Atty. Reg. No. 38,464 </div> <div style="width: 30%; text-align: center;">  Signature </div> <div style="width: 30%; text-align: right;"> <u>12/10/01</u> Date </div> </div>		
Total number of pages including cover sheet, attachments and document		

Mail documents to be recorded with required cover to:
 Commissioner of Patents and Trademarks, Box Assignments
 Washington, D.C. 20231

ASSIGNMENT OF PATENT APPLICATION

Attorney Docket No.: 16770-004100US

JOINT

WHEREAS, Craig M. Litherland of 22440 McClellan Rd., Cupertino, California 95014, Joseph P. Loeffler of 811 E. Dana Street, Mountain View, California 94041, Joe Maxwell of 1050 Crestview Drive #215, Mountain View, California 94040, hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: BASE ISOLATED NEBULIZING DEVICE AND METHODS
Filing Date: May 2, 2001
Application No.: 09/848,104; and

WHEREAS, AEROGEN, INC., a corporation of the state of Delaware, located at 1310 Orleans Drive, Sunnyvale, CA, 94089, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, 3rd Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignor has signed his name on the dates indicated.

Dated: 12/7/01

Craig M. Litherland

Dated: 12-07-01

Joseph P. Loeffler

Dated: 11-30-01

Joe Maxwell